

STATUS OF THE CLAIMS

Claims 1-40 are pending in the Application

Claims 1-40 are rejected by the Examiner.

Applicant has herein amended independent Claims 1, 13, 14, 23 and 32, without prejudice or disclaimer.

Accordingly, reconsideration of the present Application is respectfully requested.

REMARKS

Claim Rejections Pursuant to 35 U.S.C. 103

Claims 1-40 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent No. 4,831,526 to Luchs et al. and “Instant Auto Insurance Quotes Now Available at Quotesmith.com” to Bland in view of U.S. Patent No. 5,845,256 to Pescitelli et al. Applicant traverses these rejections, and deems them overcome, for at least the following reasons:

35 U.S.C. 103(a) recites:

[a] patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

MPEP 706.02(j) recites:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references (or references when combined) must teach or suggest all claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaect*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Amended Independent Claim 1 is illustrative of the amendments made herein to Claims 1, 13, 14, 23 and 32, and recites:

1. (Amended) A method of processing an insurance application, comprising the steps of:
receiving an application for a policy of insurance from a user over a computer network;
automatically approving or denying the application based on a comparison of data contained in the application with ~~stored~~real-time current underwriting criteria;
automatically offering a policy of insurance to the user in response to the application over the computer network if the application is approved based on the real-time current underwriting criteria and presenting the policy to the user for electronic acceptance; and
issuing and activating the policy upon electronic acceptance thereof by the user and payment via an electronic payment,
wherein all of the steps of said method occur during a single user session on the computer network, and wherein the policy of insurance provides insurance coverage for the user without a post user-session delay period.

Amended Claims 1, 13, 14 , 23 and 32 comport with the specification of the subject Application, such as on page 8, last paragraph, wherein it is stated:

A user session is the time during which two or more computers maintain a connection. With references to the specific embodiments implemented in a World Wide Web [hereinafter the "Web"] environment and set forth in detail below, a user session is the time, after the connection of the user's computer, which may be a workstation or a terminal, to a Web server by the Internet connection and the launching of the user's web browser, commencing when the user accesses any web page within the Web site discussed in further detail below and illustrated in figure 3, continuing

while the user is accessing any page on the Web (in any Web site), and terminating when the user ceases to access any page on the Web.

Additionally, on specification page 12, last paragraph, it is stated:

The system will compare the user's state of coverage, entered on Web page 302, and the computer type (desktop, handheld, or portable) and stated value entered on Web page 304, with certain criteria (see tables 1 and 2, infa) stored in database 104, code, or some combination of the database and code, to arrive at a preliminary quote.

The Examiner states in the Office Action that Luchs combined with Bland fails to explicitly teach a method for receiving a credit card number from the applicant prior to issuance of the policy for use in payment of premiums. The Examiner also states that Pescitelli discloses the use of credit cards to pay for any desired purchase and obtains a signature for the offered insurance policy. The Examiner concludes that it would have been obvious to one having ordinary skill in the art at the time the invention was made to include purchasing, issuing and immediately activating, as shown by Pescitelli, in an insurance application system, as taught by Luchs and Bland, in order to create a more efficient and effective method of payment for the insurance policy. The Applicant respectfully disagrees with the Examiner's conclusions.

The cited references fail to teach or suggest all of the claim limitations of claims 1, 13, 14, 23 and 32. Pescitelli fails to teach or suggest approving or denying an insurance application based on real-time current underwriting criteria, and offering an approved insurance application based on real-time current underwriting criteria, wherein all of the steps occur during a single user session on the computer network. Applicant submits that the use of updated or periodic underwriting criteria does not result in the approval and offering of an insurance policy based on real-time current underwriting criteria during a single use session.

Neither Luchs nor Bland, individually or in combination, anticipates amended Claims 1, 13, 14, 23 and 32, and the combination of Luchs and Bland does not render obvious amended Claims 1, 13, 14, 23 and 32, at least because of the failure of the combination to teach the issuing and immediate activating of the policy upon electronic

acceptance thereof by the user and payment via an electronic payment scheme, wherein all of the steps occur during a single user session on the computer network and wherein the policy of insurance provides immediate insurance coverage for the user without a post user-session delay period. Further, Pescitelli, which discloses the use of a credit card for a purchase and the ability to collect the signature of a customer, does not teach the approval and offering of an insurance policy based on real-time current underwriting criteria during a single use session, but rather teaches only a periodic accessing or updating of such criteria.

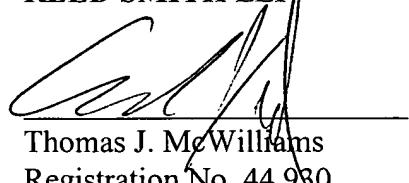
Further, Claims 2-12, 15-22, 24-31 are 33-40 are dependent on Claims 1, 13, 14, 23 and 32, respectively. Since defendant claims serve to further narrow the respective independent claims, and the respective independent claims are allowable as stated hereinabove, Claims 2-13, 15-22, 24-31 are 33-40 are allowable.

Conclusion

Applicants respectfully request reconsideration of the subject application in light of the reasons set forth herein. Applicants assert that the amendments place the claims in a condition for allowance, and thus Applicant respectfully requests early and favorable action on Claims 1-40.

Respectfully submitted,

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